

DETAILED ACTION

Current Status of 10/596512

1. Claims 1-5, 12, and 16 are pending in the instant application.

Election/Restrictions

2. Applicant's election without traverse of group IX in the reply filed on 12 June 2009 is acknowledged. After consideration of the claims, the restriction is withdrawn and all of the pending claims are being examined on the merits.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Hesna Pfeiffer on 20 November 2009.

The application is amended as follows:

In the abstract, the phrase "the N-oxide forms, the pharmaceutically acceptable addition salts and the stereochemically isomeric forms thereof" is removed.

The following phrases are removed from claim 2:

"in a particular embodiment X¹ represents a direct bond, C₁₋₂alkyl-, -O-C₁₋₂alkyl, -NR¹¹-, -O- or -O-CH₂-;" (lines 6-8);

"in a particular embodiment X² represents a direct bond, C₁₋₂alkyl-, -O-C₁₋₂alkyl, NR¹⁷-CO-, NR¹⁷-CO-C₁₋₂alkyl-, Het²⁰-C₁₋₂alkyl-, -O- or -O-CH₂-;" (lines 10-12);

"in a further embodiment R² represents hydrogen, cyano, halo, hydroxy, or Ar⁵; in a more particular embodiment R² represents hydrogen or halo;" (lines 16-17);

"in particular morpholinyl-C₁₋₄alkyl" (line 25);

"in a further embodiment Het² represents a heterocycle selected from morpholinyl or piperidinyl optionally substituted with C₁₋₄alkyl-, preferably methyl;" (lines 35-36).

In claim 3, the following phrases are removed:

" , in particular hydrogen or morpholinyl-C₁₋₄alkyl" (lines 19-20);

"in a further embodiment Het² represents a heterocycle selected from morpholinyl or piperidinyl optionally substituted with C₁₋₄alkyl-, preferably methyl;" (lines 24-25).

The text of claim 12 is replaced with the following text: ---A pharmaceutical composition comprising a compound as described in claim 1 and a pharmaceutically acceptable carrier.---

Claim 16 is cancelled.

Allowable Subject Matter

4. Claims 1, 2, 3, 4, 5 and 12 are allowed.
5. The following is an examiner's statement of reasons for allowance: Bridges et al. (WO 95/19774, published 27 July 1995, cited in IDS) describes compound 4, 6, 7, and 8 (page 64). In each of these compounds, an *N*-(3-bromophenyl)-pyrido[3,2-*d*]pyrimidin-4-amine is substituted at its 6-position by a fluoro, NH₂, NHMe, or NMe₂ group. None of these compounds anticipate or render compounds of the instant claims because no linking moiety exists between the phenyl and the pyrido[3,2-*d*]pyrimidine ring through the 2-position of the phenyl ring and the 6-position of the pyrido[3,2-*d*]pyrimidine ring.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOBLE JARRELL whose telephone number is (571)272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/
Examiner, Art Unit 1624

**/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624**